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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,441	11/20/2003	Rick E. Bollenbacher	BOC9-2003-0084 (452)	9839
40987	7590	10/17/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER WIENER, ERIC A	
			ART UNIT	PAPER NUMBER
			2179	
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			10/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

7A

<b>Office Action Summary</b>	Application No. 10/718,441	Applicant(s) BOLLENBACHER ET AL.	
	Examiner Eric A. Wiener	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/2007 has been entered.

2. Claims 1 – 4, 8 – 15, 19, and 20 are pending in the case. Claims 1, 10, and 12 are the independent claims. Claims 1, 10, and 12 are the amended claims. Claims 5 – 7 and 16 – 18 have been cancelled. Claims 1 – 4, 8 – 15, 19, and 20 have been rejected.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 4, 8 – 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US 6,366,302 B1) in view of Ogawa et al. (US 6,529,218 B2).

*As per independent claims 1 and 12, Crosby discloses a method for indicating that a content page is scrollable (column 3, lines 39 – 40) as well as a computer-readable storage*

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having stored thereon a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform the steps of said method (column 4, lines 10 – 15), said steps comprising:

- displaying at least a portion of a content page within a display area of a graphical user interface (GUI), wherein said displayed portion of said content page occupies all of said display area (column 5, lines 7 – 19);
- determining whether the displayed content page is scrollable in at least one direction (column 5, lines 7 – 19);
- and responsive to said determination, displaying at least one flyover within said display area to indicate said at least one direction that said displayed content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed content page, and wherein said at least one displayed flyover overlaps a portion of said displayed portion of said content page (column 5, lines 61 – 67), where the examiner has interpreted the “dynamic scroll indicator” to be sufficiently equivalent to a “flyover;”

However, Crosby does not explicitly disclose detecting an occurrence of a scroll event, and, responsive to said detection, discontinuing said display of said at least one flyover.

Nevertheless, in an analogous art, Ogawa discloses detecting an occurrence of a scroll event, and, responsive to said detection, discontinuing the display of at least one flyover (column 1, lines 10 – 13, 49 – 53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ogawa into the method and computer-readable storage

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of Crosby to develop a method and computer-readable storage for providing an indication that a content page is scrollable and closing said indication in response to a scroll event. The modification would have been obvious, because operating scrolling mechanisms in a graphical user interface can be complex for people unfamiliar with such interfaces. Thus, it is well known in the art that there is a need for providing a user interface that allows a user to be aware of all of the possible input options that are available at a specific time (Crosby, column 2, lines 1 – 3). In addition, there is also a need for a scrolling mechanism that consistently provides instructional feedback, which would include the ability to hide feedback during certain situations so as to not confuse the user or hinder their ability to scroll efficiently (Wagner; US 6,300,967 B1; column 2, lines 41 – 46).

The examiner has interpreted the ability to move auxiliary information so as not to hide a newly appearing image to include the ability of moving said auxiliary information off the screen, thus being sufficiently equivalent to closing said auxiliary information. In addition, because one step of hiding the auxiliary information is already to initially delete said auxiliary information (column 7, lines 9 – 14), it would be obvious that when attempting to not hide newly appearing images, one possible option would be to close said auxiliary information, thus not only serving to not hide newly appearing information, but also serving to not hide **any** information. This would be an obvious ability that one of ordinary skill in the art designing the invention would include.

**As per claims 2 and 13**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a vertical direction, displaying a*

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*vertical flyover* (column 6, lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has “multiple appearances” depending upon what portions of the page are currently displayed to be sufficiently equivalent to displaying a vertical appearance if the page is vertically scrollable.

**As per claims 3 and 14**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a horizontal direction, displaying a horizontal flyover* (column 6, lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has “multiple appearances” depending upon what portions of the page are currently displayed to be sufficiently equivalent to displaying a horizontal appearance if the page is horizontally scrollable.

**As per claims 4 and 15**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses *scrolling said displayed content page in said at least one scrollable direction* (column 6, lines 50 – 52), *wherein a position of said at least one flyover remains fixed during said scrolling step* (column 5, lines 63 – 65). The examiner has determined the fact that the dynamic scroll indicator is presented in one position throughout the illustrated embodiment sufficiently discloses that the position of said indicator is able to remain fixed while scrolling.

**As per claims 8 and 19**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses

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that *at least one among an appearance, a position, and a behavior of said at least one flyover is customized using a configuration editor* (column 2, lines 37 – 44).

As per claims 9 and 20, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said at least one flyover is implemented on an operating system level as a generic GUI object* (column 5, lines 7 – 9, 61 – 63), where the examiner has interpreted the fact that the dynamic scroll indicator is implemented on the display controlled by the graphical user interface as being sufficiently equivalent to said indicator being implemented as a generic object of the graphical user interface on the operating system.

As per claim 10, Crosby discloses *a system for indicating in a display area of graphical user interface (GUI) that a content page is scrollable* (column 5, lines 30 – 31) comprising:

- *means for displaying at least a portion of said content page within said display area of said (GUI), wherein said displayed portion of said content page occupies all of said display area* (column 5, lines 7 – 19), where the means for displaying is the display of the system (Abstract, line 1);
- *means for determining whether the displayed content page is scrollable in at least one direction* (column 5, lines 7 – 19), where the means for determining is the software program stored in the memory of the system;
- *and means for displaying at least one flyover within said display area responsive to said determination, wherein said at least one flyover indicates at least one direction that said displayed content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed*

content page, and wherein said at least one displayed flyover overlaps a portion of said displayed portion of said content page (column 5, lines 7 – 9, 61 – 67), where the examiner has interpreted the “dynamic scroll indicator” to be sufficiently equivalent to a “flyover” and has also interpreted the fact that the dynamic scroll indicator is implemented on the display controlled by the graphical user interface as being sufficiently equivalent to said indicator being implemented as a generic object of the graphical user interface on the operating system, and where the means for displaying is the display of the system (Abstract, line 1).

However, Crosby does not explicitly disclose a means for detecting an occurrence of a scroll event, and, responsive to said detection, a means for discontinuing said display of said at least one flyover.

Nevertheless, in an analogous art, Ogawa discloses a means for detecting an occurrence of a scroll event, and, responsive to said detection, a means for discontinuing said display of said at least one flyover (column 1, lines 10 – 16, 49 – 53). The means for detecting and discontinuing is the computer readable storage medium upon which the display control program is stored.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ogawa into the system of Crosby to develop a system for providing an indication that a content page is scrollable and closing said indication in response to a scroll event. The modification would have been obvious, because operating scrolling mechanisms in a graphical user interface can be complex for people unfamiliar with such



interfaces. Thus, it is well known in the art that there is a need for providing a user interface that allows a user to be aware of all of the possible input options that are available at a specific time (Crosby, column 2, lines 1 – 3). In addition, there is also a need for a scrolling mechanism that consistently provides instructional feedback, which would include the ability to hide feedback during certain situations so as to not confuse the user or hinder their ability to scroll efficiently (Wagner; US 6,300,967 B1; column 2, lines 41 – 46).

The examiner has interpreted the ability to move auxiliary information so as not to hide a newly appearing image to include the ability of moving said auxiliary information off the screen, thus being sufficiently equivalent to closing said auxiliary information. In addition, because one step of hiding the auxiliary information is already to initially delete said auxiliary information (column 7, lines 9 – 14), it would be obvious that when attempting to not hide newly appearing images, one possible option would be to close said auxiliary information, thus not only serving to not hide newly appearing information, but also serving to not hide **any** information. This would be an obvious ability that one of ordinary skill in the art designing the invention would include.

**As per claim 11**, Crosby and Ogawa sufficiently disclose the system of claim 10. In addition, Crosby further discloses *said flyover is implemented within an operating system specifically designed for a mobile computing device, wherein said mobile computing device comprises at least one of a personal data assistant (column 1, lines 15 – 20) and a cellular telephone (Abstract, lines 1 – 6).*

5. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any

way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

#### *Response to Arguments*

7. Applicant's arguments filed on 7/30/2007 have been fully considered but they are not persuasive.

8. In response to applicant's argument that Crosby fails to disclose a flyover as recited in the claims, please see the rejections of claims 1, 10, and 12 *supra*. In addition, as disclosed in the application, "the flyover can be a graphical user interface (GUI) object independent of the content page. The flyover can be a fixed object that appears on top of other windows in the GUI." The disclosed forms of the "dynamic scroll indicator" of Crosby are independent of the content page, because they are not part of said content page's content. In addition, said disclosed forms are fixed objects that appear on top of other windows in the GUI, as can be seen from the fact that "dynamic scroll indicator" 308 appears fixed on top of the window 208 of Fig. 7A, for example, wherein it can also be seen that the window 208 is the content page.

9. The applicant has argued that the manner in which the dynamic scroll indicator and the flyover operate to provide information is clearly and patentably distinguishable. In response to this argument, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

10. The applicant has argued that nowhere does Crosby disclose or suggest that the dynamic scroll indicator is displayed within the display area where the content page is being displayed, thus being placed within the display area of the content page and overlapping the content. In response to this argument, it has been interpreted that the content page portion of Crosby effectively includes the dynamic scroll indicator and is therefore displayed in the display area where the content page is being displayed.

11. In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies, i.e. "purposefully occluding any part of the content page," are neither recited in the disclosure nor any of the claims.

12. The applicant has argued that Ogawa fails to disclose or suggest the step of discontinuing display of a flyover in response to a scroll event, that Ogawa fails to disclose or suggest that a menu can be scrolled "off" the display, and that display of the information can only be

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discontinued by a user expressly activating a menu or delete menu button. In response to this argument please see the new rejections of claims 1, 10, and 12 *supra*.

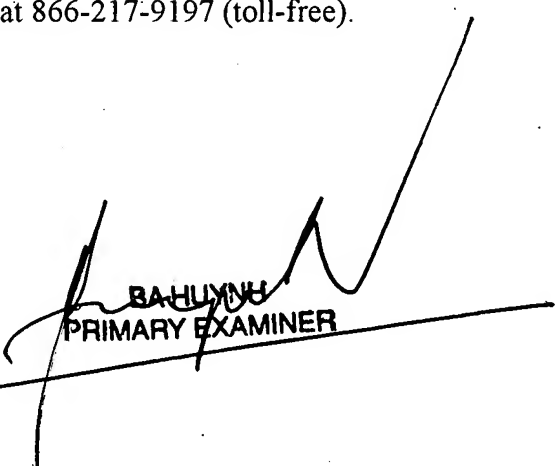
**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eric Wiener  
Patent Examiner  
A.U. 2179

  
BAHUYNH  
PRIMARY EXAMINER